



PATENT

ATTORNEY DOCKET NO.: KCX-157 (14661)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|--------------------------|
| In re Application |) | |
| Strong Chuang et al. |) | Examiner: Unknown |
| |) | |
| Serial No.: 09/577,461 |) | Group Art Unit: Unknown |
| |) | |
| Confirmation No.: 5495 |) | |
| |) | |
| Filed: May 24, 2000 |) | Dept. Acct. No.: 04-1403 |
| |) | |
| Title: Tissue Impulse Drying |) | |

Commissioner for Patents
Washington, D.C. 20231

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT OR IN THE
ALTERNATIVE A PETITION FOR THE REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment of the above-identified application. Applicants never received from the U.S. Patent Office a "Notice to File Missing Parts of a Non-Provisional Application" and believe that either no such notice was ever sent out by the U.S. Patent Office or was sent to the wrong address. Alternatively, however, enclosed is a petition for the revival of the application Under 37 CFR 1.137(b).

Applicants received a Notice of Abandonment dated April 1, 2002. In the Notice, it is stated that no reply to the Notice to File Missing Parts of a Non-Provisional

Application was received. Applicants, however, have never received a Notice to File Missing Parts from the U.S. Patent Office and thus were not aware of the requirement.

After receiving the Notice of Abandonment, Applicants ordered a copy of the file contents which are included herewith as Appendix A. Please note in the enclosed file wrapper, no Notice to File Missing Parts is present. Therefore, it is believed that either a Notice to File Missing Parts was never sent or mistakenly sent to the wrong address.

Further, it is noted that the file contents contain a Notice to File Missing Parts for U.S. Application No. **09/577,462** (the serial number for the present application is **09/577,461**). This document does not relate to the above-captioned application and should not be included in the file wrapper.

Our law firm was aware that we had not received a Filing Receipt from the U.S. Patent Office. In this regard, we had called the U.S. Patent Office in April of 2001 and requested a status. At that time, a representative of the U.S. Patent Office instructed us that the application was pending and had to be entered into the system.

In view of the above, since Applicants were not aware of the Notice to File Missing Parts deadline, it is requested that the holding of abandonment be withdrawn and that a Notice to File Missing Parts be issued by the U.S. Patent Office. It is submitted that previously a Notice to File Missing Parts was never sent out by the U.S. Patent Office or, alternatively, was sent to the wrong address and party.

In the abundance of caution, also enclosed is a Petition for Revival of the Application for an Application that has gone abandoned unintentionally. Included with the Petition is a Response to the Notice to File Missing Parts including signed Declarations by two of the inventors. One of the inventors, however, is currently out of

the country and is believed to be unavailable. For the past 4½ months, our law firm has been attempting to contact the unavailable inventor to no avail. Consequently, also enclosed is a Petition Under 37 C.F.R. § 1.47.

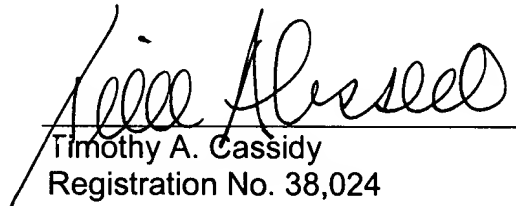
Should any questions arise with respect to this petition, please do not hesitate to call the undersigned at (864) 271-1592.

Please charge any additional fees required by this Petition to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

Date: 8/15/02


Timothy A. Cassidy
Registration No. 38,024

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Fax: (864) 271-7342



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application |) | |
| Strong Chuang et al. |) | Examiner: Unknown |
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| Confirmation No.: 5495 |) | |
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| Filed: May 24, 2000 |) | Dept. Acct. No.: 04-1403 |
| |) | |
| Title: Tissue Impulse Drying |) | |

APPENDIX A

In re Application of: Strong, C. Chuang et al.

Group Art Unit: Unknown

Serial No.: 09 577,461

Examiner: Unknown

Filed: May 24, 2000

Our Account No.: 04-1403

Confirmation No.: 5495

Title: Tissue Impulse Drying



Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

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AUG 20 2002
OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

This is a Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b) in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

| Claims remaining after amendment | Highest number previously paid for | Present Extra | Additional Fee |
|---|---------------------------------------|-----------------|--------------------|
| Basic Filing Fee..... | | | |
| | | | \$ 740.00 |
| Total Effective Claims | 33 minus 20 = 13 | x \$18 = | \$ 234.00 |
| Independent Claims | 3 minus 3 = 0 | x \$84 = | \$ 0.00 |
| If amendment enters proper multiple dependent claim(s) into this application for first time, add \$270.00 (per application) | | | |
| | | | \$ 0.00 |
| Since Official Action set an original due date of N/A | | | |
| PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$110; 2 months \$400; 3 months \$920; 4 months \$1440) | | | |
| | | | \$ 0.00 |
| If this is the first time either signed Declaration or filing fee paid, add Surcharge (\$130.00) | | | |
| | | | \$ 130.00 |
| If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00) | | | |
| | | | \$ |
| SUBTOTAL: | | | \$ 1,104.00 |
| If "small entity" verified statement filed [] previously, | | | |
| [] herewith, enter one-half (1/2) of subtotal and subtract | | | |
| | | | \$ 0.00 |
| TOTAL: | | | \$ 1,104.00 |
| Other: <u>Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)</u> | | | |
| | | | \$ 1,280.00 |
| <u>Petition Under 37 CFR § 1.47, Affidavit of Timothy A. Cassidy, Fee § 1.17(i)</u> | | | |
| | | | \$ 130.00 |
| TOTAL FEE ENCLOSED: | | | \$ 2,514.00 |

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:
Post Office Box 1449
Greenville, South Carolina 29602
Phone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING
ATTORNEYS AT LAW, P.A.

By Atty: Timothy A. Cassidy Reg. No.: 38,024

Signature: *Robert A. Cassidy* Date: 8/15/02

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Washington, DC 20231, on August 15, 2002.

Peggy Whittenberg

(Typed or printed name of person mailing paper or fee)

Peggy Whittenberg
(Signature of person mailing paper or fee)

BEST AVAILABLE COPY



#5

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
KCX-157 (14661)

First named inventor: **Strong C. Chuang et al.**

Application No.: **09/577,461**

Art Unit: **Unknown**

Filed: **May 24, 2000**

Examiner: **Unknown**

Title: **Tissue Impulse Drying**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1280** (37 CFR 1.17(m))

2. Reply and/or fee

Refund Ref:
04/30/2003

CKHLOK

000018562

the reply and/or fee to the above-noted Office action in the form of a response to the Notice to File Missing Parts (identify type of reply):

CHECK Refund Total:

☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

Adjustment date: 04/30/2003
04/10/2003
02 FC:1453

00000101
001403
20.00 CR

CKHLOK
09577461
☐ has been paid previously on _____
☒ is enclosed herewith.

-1280.00 JP

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JAN 08 2003

OFFICE OF PETITIONS

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8/15/02

Date

Timothy A. Cassidy

Signature

Telephone
Number: (864) 271-1592

TIMOTHY A. CASSIDY

Typed or printed name

Dority & Manning, P.A.

Address

P.O. Box 1449

Greenville, SC 29602-1449

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Express Mail Certificate, Petition

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Type or printed name of person signing certificate